

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AMASIA AMEEN and ALIYAH
AMEEN, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STACY A KUKULKA,

Respondent-Appellant.

UNPUBLISHED

February 1, 2007

No. 271333

Clinton Circuit Court

Family Division

LC No. 05-018222-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (g), (i), (j), (l), and (m). We affirm.

The trial court did not clearly err by finding that statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1987). The primary conditions of adjudication were respondent's history of neglect, including deplorable home conditions and homelessness, her failure to complete services that were offered, the prior termination of her parental rights to three children, and her taking up residence with the two children and their father, Ahmad Ameen, immediately before the current proceedings. Respondent demonstrated a pattern of instability, including criminal activity, domestic violence, homelessness, and filthy home conditions, throughout the lives of Amasia, Aliyah, and their older siblings. The pattern of instability and neglect continued to exist throughout these proceedings. Respondent did not attend counseling consistently, attended only two anger management sessions, and was difficult to contact for drug screens. Respondent's failure to carry out these important aspects of the parent-agency agreement is evidence of her continuing neglect. *In re Trejo*, 462 Mich 341, 360-361, n 16; 612 NW2d 407 (2000). Where respondent has done virtually nothing to alleviate the conditions of adjudication, the trial court did not clearly err by finding that they continue to exist.

The trial court's finding that there was no reasonable likelihood that the conditions of adjudication, long-term instability and neglect, would be rectified within a reasonable time, considering the ages of the children, was not clear error. Respondent's record of failure to comply with services evidences a lack of motivation that was also noted by witnesses. Ms.

Lohiser, a child protective services worker involved in a previous case in Jackson County, testified that respondent does not take her role as a parent seriously. Ms. Cullen, the foster care worker in this matter, felt that respondent did not show a serious commitment to her children. Respondent suffers from a personality disorder, yet has failed to participate in counseling consistently. Under these circumstances, termination under MCL 712A.19b(3)(c)(i) was not clearly erroneous.¹

The trial court also did not clearly err by finding that respondent failed to provide proper care and custody for the children and that there was no reasonable likelihood that she would be able to do so within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g). Respondent failed to provide proper care and custody by maintaining a home in deplorable condition and committing crimes resulting in her incarceration and inability to care for the children. The same evidence previously discussed demonstrates that there is no reasonable likelihood that respondent would be able to provide proper care and custody for the children within a reasonable time, MCL 712A.19b(3)(g), and that there is a reasonable likelihood that the children would be harmed if returned to her care, MCL 712A.19b(3)(j).

We conclude that the trial court's reliance on MCL 712A.19b(3)(i) and (l) was clearly erroneous since the record indicates that respondent's previous terminations regarding Alissa, Akelle, and Jermaine were not involuntary, but resulted from respondent's voluntary release of her rights to those children. However, the trial court properly terminated respondent's parental rights on the ground that her rights to other children were voluntarily terminated following the initiation of child protective proceedings, MCL 712A.19b(3)(m).² The evidence disclosed that a termination petition was filed concerning Akelle and Jermaine, and respondent then released her parental rights to those children. The record also indicates that respondent released her parental rights to Alissa to avoid involuntary termination. Thus, termination under MCL 712A.19b(3)(m) was supported by the evidence and was not clearly erroneous.

Finally, the trial court correctly found that termination of respondent's parental rights was not clearly contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357. Although respondent was appropriate during her interactions with the children, the record overwhelmingly shows that she is unable to offer them minimal stability. Because she

¹ The record does not indicate that a new condition arose that would cause the children to come within the jurisdiction of the court, MCL 712A.19b(3)(c)(ii), and no such circumstance was specified in the opinion of the trial court. Therefore, we do not rely on this statutory subsection in affirming the termination of respondent's parental rights.

² MCL 712A.19b(m): The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of this chapter or a similar law of another state.

has demonstrated little motivation and has not engaged in significant rehabilitative services, there is no reason to conclude that these circumstances will change in the foreseeable future.

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper